



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark G. Currie et al. Art Unit : 1654
Serial No. : 10/766,735 Examiner : Teller
Filed : January 28, 2004
Title : METHODS AND COMPOSITIONS FOR THE TREATMENT OF
GASTROINTESTINAL DISORDERS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed June 14, 2006, Applicants elects the invention of Group I, claims 72-74, 78 and 84, drawn to a purified polypeptide comprising the amino acid sequence Cys Cys Glu Xaa Cys Cys Asn Pro Ala Cys Thr Gly Cys wherein Xaa is selected from Phe, Trp and Tyr (SEQ ID NO: 125). This election is made **with** traverse.

Applicants respectfully request that the Examiner consider Group I (claims 72-74, 78 and 84) and Group II (claims 75 to 77) together. Claim 75 depends from claim 72 and is drawn to a purified polypeptide that is identical to the purified polypeptide of claim 72 except for the presence of an additional Tyr at the carboxy terminus. Thus, claim 75 is drawn to a purified polypeptide comprising the amino acid sequence Cys Cys Glu Xaa Cys Cys Asn Pro Ala Cys Thr Gly Cys Tyr wherein Xaa is selected from Phe, Trp and Tyr (SEQ ID NO: 126). Considering Groups I and II together would not impose any meaningful additional search burden on the Examiner. Indeed, if claim 72 were found to be free of the prior art, claim 75 would be free of the prior art as well.

The Examiner placed Groups I and II in different classes/subclasses. To the extent that this justifies placing SEQ ID NO:125 and SEQ ID NO:126 in separate groups, Applicants

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

believe that the distinction is not justified. The Examiner stated that the claims of Group II belong in Class 530 (CHEMISTRY: NATURAL RESINS OR DERIVATIVES; PEPTIDES OR PROTEINS; LIGNINS OR REACTION PRODUCTS THEREOF), Subclass 327 (11-14 amino acid residues in a defined sequence). The Examiner stated that the claims of Group II belong in Class 514 (DRUG, BIO-AFFECTING AND BODY TREATING), Subclass 14 (12-15 peptide repeating units in known peptide). It appears that at least the classification of the claims in Group II is incorrect. Applicants fail to understand the rationale for classifying the claims as relating to repeating peptide units. Moreover, given that claim 75 depends from claim 72 and is drawn to a purified polypeptide that is identical to the purified polypeptide of claim 72 except for the presence of an additional Tyr at the carboxy terminus, Applicants fail to see why Groups I and II should be in separate Classes and Subclasses. If the Examiner maintains this distinction, Applicants respectfully request a detailed explanation of rationale for doing so.

In view of the forgoing, Applicants respectfully request that Group I and Group II be rejoined and considered together.

No fees are believed to be due. However, any necessary charges, or any credits, should be applied to Deposit Account No. 06-1050, referencing Attorney Docket No. 14184-039001.

Respectfully submitted,

Date: July 14, 2006

Anita L. Meiklejohn, Ph.D. Reg. No. 54,154
Reg. No. 35,283

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906